

DATE: March 19, 2002

TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: Implementation of Assembly Bill 655

The purpose of this memorandum is to inform state agencies of a change in state law affecting background checks of applicants for employment. Assembly Bill 655 (AB 655), Chapter 354, which became effective on January 1, 2002, imposes significant new disclosure requirements upon employers that either conduct their own background checks of applicants for employment or retain an outside entity to conduct background checks for them. The new law, which amends Civil Code Section 1785.10 et seq., applies to all state departments and agencies.

A state department or agency that conducts its own background checks into the character, general reputation, personal characteristics, or mode of living of an applicant for the purposes of evaluating that applicant for employment, promotion, reassignment, or retention is now required to provide the applicant information it has gathered. This background information must be provided at the time of the meeting or interview with the applicant, or within 7 days after obtaining such information, whichever is sooner.

AB 655 imposes more stringent disclosure requirements upon employers that retain a contractor or vendor for purposes of obtaining background information. State departments or agencies that obtain and utilize background information should review the new law to ensure that they have a process in place to comply with the disclosure requirements. The text of AB 655 may be accessed through www.leginfo.ca.gov. For questions regarding this memorandum, please contact Carol Ong at (916) 653-1397 or TDD (916) 653-1498.

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